

VZCZCXRO4264
PP RUEHDE RUEHDH RUEHDIR
DE RUEHKU #0811/01 2291304
ZNY CCCCC ZZH
P 171304Z AUG 09
FM AMEMBASSY KUWAIT
TO RUEHC/SECSTATE WASHDC PRIORITY 3816
INFO RUEHZM/GULF COOPERATION COUNCIL COLLECTIVE PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 000811

SIPDIS

NEA/ARP, G-ACBLANK, G/TIP

E.O. 12958: DECL: 08/13/2019
TAGS: [PHUM](#) [ELAB](#) [PGOV](#) [KTIP](#) [KU](#)
SUBJECT: KUWAIT'S TIP INTERIM ASSESSMENT

REF: A. STATE 81476
[1](#)B. KUWAIT686
[1](#)C. KUWAIT608
[1](#)D. KUWAIT788
[1](#)E. KUWAIT761

Classified By: CDA Tom Williams for reasons 1.4 b and d

[1](#)1. (U) Summary. As requested (ref A), Post provides below additional information for the Department's reassessment of Kuwait's Tier 3 ranking in the 2009 Trafficking in Persons (TIP) Report. Though significant efforts to counter widespread abuse are ongoing, the GOK has not progressed substantially in four key areas: (1) enacting anti-TIP legislation (although we are told prospects are good once the parliament reconvenes in the Fall), (2) establishing a permanent shelter for domestic workers (this 700-bed unit is delayed owing to administrative issues), (3) providing training to law enforcement, attorneys and judges on investigating and prosecuting TIP cases, and (4) providing evidence of increased prosecutions. During the sixty-day review period, progress on major anti-TIP initiatives has been hampered by a crop of new ministers still coming to terms with their portfolios. However, responding to Ambassador's urging in her calls on the new ministers, the GOK -- and the Ministry of Social Affairs and Labor (MOSAL) in particular -- is trying to make progress on measures to combat TIP. End summary.

New Ministers / New Portfolios

[1](#)2. (U) Following the May 2009 election, new ministers were appointed to three of the four ministries key to TIP: Justice, Social Affairs and Labor, and Awqaf/Islamic Affairs. Their "newness" notwithstanding, the Ambassador, in her initial calls on these ministers, pressed the importance of the GOK's sustaining of earlier anti-TIP progress (refs B and C).

MOSAL Minister Takes Proactive Anti-TIP Measures

[1](#)3. (C) On August 9, following his meeting with the Ambassador, Kuwait's Ministry of Social Affairs and Labor (MOSAL) Minister Mohammed Al-Afasi issued a ministerial resolution (ref D) which immediately granted any foreign worker who has been with the same employer for three years the right to change jobs without the requirement to first secure the current employer or sponsor's permission (which was often withheld or granted only after payment of some form of agreed compensation to the sponsor). This reform is a positive and welcome development allowing employees more mobility in the workplace. On August 13, however, a MOSAL statement may have complicated implementation of this new directive by requiring that employees first obtain a

quittance, or "clearing of accounts," prior to changing sponsors. How this new requirement will be enforced is not yet clear, but it could have a substantial impact on just how freely workers with three years of service will be able to change sponsors.

Legislative Efforts on TIP; the 700-Bed Shelter

¶4. (C) The Parliament has made progress toward passing the draft anti-trafficking law, which was easily passed by the Legislative Committee on June 21. A Ministry of Justice contact expects the bill to appear on the National Assembly's agenda soon after it reconvenes in October (ref E), and anticipates passage during the next legislative term. Concerning the 700-bed shelter for domestic workers, according to MOSAL Assistant Undersecretary Jamal Al-Dosari it is unlikely the shelter will be completed before 2011 due to the dilapidated condition of the old school grounds selected as the shelter's site.

Revised Labor Law and Alternatives to the Sponsorship System

¶5. (C) MOSAL continues efforts to introduce a revised labor law, which will soon come before the National Assembly for approval. Provisions of this labor bill call for increasing foreign workers' annual leave from fourteen days to thirty and increasing the amount of time required for notices of termination from one month to three. However, the labor law

KUWAIT 00000811 002 OF 002

does not cover domestic workers, a TIP vulnerability. MOSAL has consulted with the International Labor Organization (ILO) on alternatives to the sponsorship system and is doing its own studies of alternatives. While MOSAL Minister Al-Afasi is showing commendable leadership in speaking publicly of even more drastic changes (such as abolishing sponsorship altogether), an outright end to sponsorship appears yet to be a considerable distance away, both because of the need to build an administrative framework that could support a self-sponsorship structure, and also because of the vested interest of some Kuwaiti employers in keeping the current lucrative system in place.

For more reporting from Embassy Kuwait, visit:
visit Kuwait's Classified Website at:

[http://www.intelink.sgov.gov/wiki/Portal:Kuwa it](http://www.intelink.sgov.gov/wiki/Portal:Kuwa%20it)

WILLIAMS